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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,682	06/19/2006	Eliezer Peli	ERI-141XX	4517
207 7590 11/14/2007 WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			EXAMINER COLLINS, DARRYL J	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,682

Applicant(s)

PELI, ELIEZER

Examiner

Darryl J. Collins

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed August 30, 2007 have been fully considered but they are not persuasive. The examiner has considered all arguments presented by the applicant, including the Rule 1.132 Affidavit, however the applicant's remarks fail to be persuasive such that the rejection of the claims mailed May 25, 2007 are withdrawn. In particular, the applicant has argued non-claimed limitations as presented in the instant invention. Therefore, the rejection of the claims as outlined in the Office Action mailed May 25, 2007, is repeated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onufryk (U.S. Patent Number 5,969,790).

Onufryk teaches a spectacle system for providing visual field shifting for a person wearing a spectacle frame (column 3, lines 44-46) having a carrier lens (Figure 1, element 10) wherein the carrier lens has a central viewing area (Figure 3, element 90), a peripheral viewing area (Figure 3, element P) and an image shifting device disposed in the peripheral viewing area including a plurality of imaging shifting elements (Figure 3) as claimed in independent claim 1.

Although, Onufryk fails to explicitly teach each image shifting element being oriented such that the optical axis of each element forms an angle between 10° and 60° relative to a horizontal visual meridian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the multiple prism designs (Figure 79) as taught by Onufryk to shift the image to a desired location.

Onufryk also teaches a spectacle system as outlined above with respect to claim 1, wherein the image shifting device is an upper image-shifting device disposed in the peripheral viewing area above the central viewing area (Figure 3) as claimed in dependent claim 2, the image-shifting device is a lower image-shifting device disposed in the peripheral viewing area below the central viewing area (Figure 3) as claimed in dependent claim 3, and wherein the image-shifting device includes upper and lower image-shifting devices disposed in the peripheral viewing area above and below the central viewing area (Figure 3) as claimed in dependent claim 4.

Onufryk continues to teach a spectacle system as outlined above with respect to claim 1, wherein the image-shifting devices are prisms (column 3, lines 44-46) arranged in a side-by-side arrangement (Figure 3) as claimed in dependent claim 5.

Regarding claim 10, Onufryk teaches a spectacle system for providing visual field shifting for a person wearing a spectacle frame (column 3, lines 44-46) having a first and second (column 4, lines 29-35) carrier lens (Figure 1, element 10) wherein each carrier lens has a central viewing area (Figure 3, element 90), a peripheral viewing area (Figure 3, element P) and an image shifting device disposed in the peripheral viewing area of a first and/or second carrier lens and including a first and second plurality of imaging shifting elements (Figure 3) as claimed in

independent claim 10. Although, Onufryk fails to explicitly teach each image shifting element being oriented such that the optical axis of each element forms an angle between 10° and 60° relative to a horizontal visual meridian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the multiple prism designs (Figure 79) as taught by Onufryk to shift the image to a desired location.

Onufryk also teaches a spectacle system as outlined above with respect to claim 10, wherein the first image shifting device includes a first upper and first lower image-shifting device disposed in the peripheral viewing area above the central viewing area (Figure 3) of the first and/or second carrier lens as claimed in dependent claim 11 and the second image-shifting device includes second upper and lower image-shifting devices disposed in the peripheral viewing area below the central viewing area of the second carrier lens (Figure 3) as claimed in dependent claim 12.

Onufryk continues to teach a spectacle system as outlined above with respect to claim 10, wherein the first and second image-shifting devices are prisms (column 3, lines 44-46) arranged in a side-by-side arrangement (Figure 3) as claimed in dependent claim 13.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onufryk (U.S. Patent Number 5,969,7900) as applied to claim 1 above, and further in view of Israel (U.S. Patent Number 6,139,145).

Although Onufryk teaches a spectacle system for providing visual field shifting as outlined above, Onufryk fails to teach such a system in a binocular spectacle frame. However, Israel teaches the very well known use of vision correction lenses held in a binocular frame

(Figure 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the vision correction lens as taught by Onufryk in the binocular frame as taught by Israel to provide vision correction to a wearer requiring vision correction in both eyes.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onufryk (.S. Patent Number 5,969,7900) as applied to claim1 above, and further in view of Heide et al (U.S. Patent Number 4,575,204).

Although Onufryk teaches a spectacle system for providing visual field shifting as outlined above, Onufryk fails to teach such a system in a monocular spectacle frame. However, Heide et al teaches the very well known use of vision correction lenses held in a monocular frame (Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the vision correction lens as taught by Onufryk in the monocular frame as taught by Heide et al to provide vision correction to a wearer only needing vision correction in one eye.

Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onufryk (U.S. Patent Number 5,969,7900) as applied to claim10 above, and further in view of Peli et al (U.S. Patent Number 6,775,060).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Although Onufryk teaches a spectacle system for providing visual field shifting as outlined above with respect to claim 10, Onufryk fails to teach the image-shifting devices as being mirror pairs. However, Peli et al teaches a spectacle system for providing visual field shifting for a person wearing a spectacle frame (column 3, lines 46-50) having a carrier lens (Figure 3, element 300) wherein the carrier lens has a central viewing area and a peripheral viewing area (Figure 3) and an image shifting device disposed in the peripheral viewing area and including a plurality of imaging shifting elements wherein the image-shifting devices are mirror pairs (Figure 3, elements 302, 304, 312 and 314) as claimed in independent claim 14. Peli et al also teaches each image-shifting mirror pair including a first reflecting surface and a second reflecting surface wherein each reflecting surface faces toward the other (Figure 4A) as claimed in dependent claim 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the spectacle system for providing visual shifting using

mirror pairs as taught by Peli et al and having multiple carrier lenses as taught by Onufryk to provide a wide field of view for the user.

Allowable Subject Matter

Claim 16 is allowed.

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. Although the prior art teaches a spectacle system for providing visual field shifting having a plurality of image-shifting elements, the prior art fails to teach such a system wherein the image-shifting elements are mirror pairs arranged such that they form a Fresnel-like image shifting device as claimed in dependent claim 6 or a spectacle system wherein the image-shifting mirror is oriented such that the longitudinal axis of each of the mirror elements is orthogonal to a horizontal visual meridian as claimed in independent claim 16.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl J. Collins whose telephone number is 571-272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

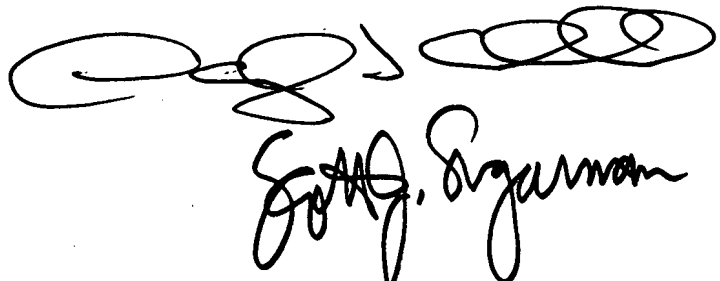
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Darryl J. Collins
Patent Examiner
Art Unit 2873

07 November 2007



Scott J. Sugarman
Primary Examiner